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DAC/8

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January 6, 2001

Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

RECEIVED

JAN 18 2001

OFFICE OF PETITIONS

Re: 09/235,192

Dear Sir or Madam,

I am petitioning for a conversion of a CPA to a patent application. The deposit date for the CPA is August 31, 2000. I believe this is a 1.182 petition, i.e. it regards a situation not specifically provided for in the regulations.

My patent application 09/235,192 was filed January 22, 1999. The claims were allowed on June 13, 2000. The Issue Fee was paid on June 27th and the patent was in fact issued September 19th, U.S. Patent No. 6,120,411. I am the inventor, and have chosen not to utilize the services of an attorney in the pursuit of this patent.

Subsequent to payment of the Issue Fee I was advised that my patent rights would be further protected by filing a continuation. I received contradictory information as to whether this was allowed after payment of the Issue Fee.

I contacted the PTO help desk (1-800-PTO-9199) on August 21, 2000 and was told the CPA could be filed any time *before* the Issue Fee *due date*, in this case September 13, 2000. The CPA in question was mailed August 23rd and, as noted above, received a deposit date of August 31, 2000. I received a written notice dated October 17, 2000 - "No Filing Date Granted" - because the CPA was not filed before payment of the issue fee.

I have spoken with Mr. Brian Hearn at the Office of Petitions - Special Program Law. It was Mr. Hearn's recommendation that I file a 182 petition requesting a conversion. I was advised that with a conversion of the CPA application I could receive an application date of August 31, 2000 and have continuity and co-dependency with my prior patent issued on September 19th.

I am enclosing the \$130 petition fee. I am assuming that the \$345 CPA fee paid in August will be applied in full towards the \$355 (small entity) basic filing fee for the conversion. Therefore I am enclosing a check for an additional \$10. If my assumption regarding the fee(s) is incorrect, please contact me before proceeding with the petition.

Sincerely,

Richard Booth



APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
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9/235,192 01/22/99 BOOTH

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JAN 18 2001

OFFICE OF PETITIONS

PM32/1017

RICHARD A BOOTH JR
 4372 N WILDWOOD AVENUE
 MILWAUKEE WI 53211

HERRMANN, A
 DATE MAILED:

3682

NOTICE OF IMPROPER CPA FILING UNDER 37 CFR 1.53(d)
No Filing Date Granted

10/17/00

The Continued Prosecution Application (CPA) request deposited on 8/31/00 is improper under 37 CFR 1.53(d) and has not been granted a filing date for reason(s) indicated below:

Any assertions that the above-mentioned CPA request is proper under 37 CFR 1.53(d) must be by way of petition directed to the attention of the Office of Petitions. Any such petition must be accompanied by the \$130.00 petition fee (37 CFR 1.17(i)). If the petition alleges that no defect exists, a request for refund of the petition fee may be included in the petition.

Any petition must be submitted within **TWO MONTHS** of the date of this notice (37 CFR 1.181(f)) or the application may be returned or otherwise disposed of and the filing fee, if submitted, will be refunded less the \$130.00 handling fee (37 CFR 1.21(n)). **THIS TIME LIMIT MAY NOT BE EXTENDED PURSUANT TO 37 CFR 1.136.**

- ☐ 1. The prior application is not an application filed on or after June 8, 1995, or the national stage of a PCT international application filed on or after June 8, 1995.
- ☐ 2. The prior application is not a complete (37 CFR 1.51(b)) application or the national stage of a PCT international application in compliance with 35 U.S.C. 371.
- ☒ 3. The request for a CPA was not filed before the payment of the issue fee on the prior application. The issue fee was paid on the prior application on 6/27/00.
- ☐ 4. The request for a CPA was not filed before the abandonment of, or termination of proceedings on, the prior application. The prior application was abandoned, or proceedings terminated on _____.
- ☐ 5. OTHER:

A copy of this notice MUST be returned with the reply.

Direct the reply and any questions about this Notice to:

T.C. 3600

Examining Group 3682

(703) 30 8-2168

01/17/2001 CVRACHA 00000097 09235192
 130.00 OP
 10.00 OP
 01 FC:122
 02 FC:199